

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 391

By: Allen

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 172, which relates to motor carrier  
9 enforcement officers; updating statutory reference;  
10 modifying authority of enforcement officers;  
11 providing for certain training; creating the Port-of-  
12 Entry Officer Unit within the Transportation Division  
of the Oklahoma Corporation Commission; providing  
certain authority and duties; providing uniform  
requirements; authorizing certain purchase authority;  
authorizing the promulgation of rules; providing for  
codification; and providing an effective date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 172, is  
17 amended to read as follows:

18 Section 172. A. Every owner of any motor vehicle, the agents  
19 or employees of the owner, and every other person who violates or  
20 fails to comply with or procures, aids, or abets in the violation of  
21 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier  
22 Act of 1995, or who fails to obey, observe, or comply with any  
23 order, decision, rule or regulation, direction, demand, or  
24 requirement of the Corporation Commission, or who procures, aids or

1 abets any corporation or person in the person's, or its, refusal or  
2 willful failure to obey, observe or comply with any such order,  
3 decision, rule, direction, demand<sup>7</sup> or regulation shall be deemed  
4 guilty of a misdemeanor. Upon conviction in a criminal court of  
5 competent jurisdiction, such misdemeanor is punishable by a fine of  
6 not exceeding One Thousand Dollars (\$1,000.00).

7 B. The Corporation Commission shall report to the Attorney  
8 General of this state and the district attorney of the proper county  
9 having jurisdiction of such offense, any violation of any of the  
10 provisions of Sections ~~161~~ 161A through 180m of this title or the  
11 Motor Carrier Act of 1995 or any rule of the Corporation Commission  
12 promulgated pursuant to the provisions of Sections ~~161~~ 161A through  
13 180m of this title or the Motor Carrier Act of 1995, by any motor  
14 vehicle owner, agent or employee of such owner, or any other person.  
15 Upon receipt of such report, the Attorney General or the district  
16 attorney of the proper county having jurisdiction of such offense  
17 shall institute criminal or civil proceedings against such offender  
18 in the proper court having jurisdiction of such offense. Any  
19 willful failure on the part of members of the Corporation  
20 Commission, the Attorney General or any district attorney, to comply  
21 with the provisions of this section, shall be deemed official  
22 misconduct. The Corporation Commission shall report such complaints  
23 so made to the Governor of this state who shall direct and cause the  
24 laws of this state to be enforced.

1 C. Any person failing, neglecting or refusing to comply with  
2 the provisions of Sections ~~161~~ 161A through 180m of this title or  
3 the Motor Carrier Act of 1995, or with any rule, regulation, or  
4 requirement of the Corporation Commission promulgated pursuant to  
5 the provisions of Sections ~~161~~ 161A through 180m of this title or  
6 the Motor Carrier Act of 1995, shall be guilty of contempt of the  
7 Corporation Commission, and shall be subject to a fine to be imposed  
8 by the Corporation Commission in a sum not exceeding Five Hundred  
9 Dollars (\$500.00). Each day on which such contempt occurs shall be  
10 deemed a separate and distinct offense. The maximum fine to be  
11 assessed on each day shall be Five Hundred Dollars (\$500.00). All  
12 fines collected pursuant to the provisions of this section shall be  
13 deposited in the State Treasury to the credit of the Corporation  
14 Commission Trucking One-Stop Shop Fund, as created in Section 1167  
15 of this title. This subsection shall not apply in the specific  
16 instance of load capacity violations or violations applicable to the  
17 transportation or discharge of deleterious substances provided for  
18 by specific statutory provisions.

19 D. The Corporation Commission shall appoint a director of  
20 transportation, a deputy director, an insurance supervisor, an  
21 insurance clerk, two stenographers, a secretary to the director, an  
22 identification device supervisor and an assistant identification  
23 device supervisor at such salaries as the Legislature may from time  
24 to time prescribe. The employees shall be allowed actual and

1 necessary travel expenses pursuant to the provisions of the State  
2 Travel Reimbursement Act. All of the expense claims shall be  
3 presented and paid monthly.

4 E. ~~Enforcement~~ Motor carrier enforcement officers, appointed by  
5 the Corporation Commission, are hereby declared to be peace officers  
6 of this state. Such officers shall be vested with all powers of  
7 peace officers in enforcing the provisions of ~~Sections 161 through~~  
8 ~~180m~~ of this title, U.S. 49 CFR, and the Motor Carrier Act of 1995  
9 under the direction of the Department of Public Safety in all parts  
10 of this state. Motor carrier officers and port of entry officers  
11 created pursuant to Section 2 of this act shall not have enforcement  
12 powers that are exclusive or separate from other peace officers  
13 enforcing the provisions of this act.

14 The powers and duties conferred upon ~~said~~ the motor carrier  
15 enforcement officers shall in no way limit the powers and duties of  
16 sheriffs or other peace officers of the state, or any political  
17 subdivision thereof, or of members of the Division of Highway  
18 Patrol, subject to the Department of Public Safety.

19 F. The motor carrier enforcement officers when on duty, upon  
20 reasonable belief that any motor vehicle is being operated in  
21 violation of any provisions of ~~Sections 161 through 180m~~ of this  
22 title, U.S. 49 CFR, or the Motor Carrier Act of 1995, shall be  
23 authorized to require the driver of the vehicle to stop and submit  
24 to an inspection of the identification device, or devices, in the

1 vehicle, and to submit to such enforcement officer bills of lading,  
2 waybills, or other evidences of the character of the commerce being  
3 transported in such vehicle, and to submit to an inspection of the  
4 contents of such vehicle for the purpose of comparing same with  
5 bills of lading or shipping documentation, waybills, or other  
6 evidences of transportation carried by the driver of the vehicle.  
7 The officers shall not have the right to plea bargain.

8 G. The motor carrier enforcement officers are authorized to  
9 serve all warrants, writs, and notices issued by the Corporation  
10 Commission relating to the enforcement of the provisions ~~of Sections~~  
11 ~~161 through 180m~~ of this title, U.S. 49 CFR, or the Motor Carrier  
12 Act of 1995 and the rules, regulations, and requirements prescribed  
13 by the Corporation Commission promulgated pursuant to ~~Sections 161~~  
14 ~~through 180m~~ of this title, U.S. 49 CFR, or the Motor Carrier Act of  
15 1995.

16 H. ~~The enforcement officers shall not have the power or right~~  
17 ~~of search, nor shall they have the right of power of seizure, except~~  
18 ~~as provided in Sections 161 through 180m of this title or the Motor~~  
19 ~~Carrier Act of 1995. The enforcement officers are authorized to~~  
20 ~~hold and detain any motor vehicle operating upon the highways of~~  
21 ~~this state, if, the enforcement officer has reason to believe that~~  
22 ~~the vehicle is being operated contrary to the provisions of Sections~~  
23 ~~161 through 180m of this title or the Motor Carrier Act of 1995, or~~  
24 ~~the rules, regulations, and requirements of the Corporation~~

1 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~  
2 ~~title or the Motor Carrier Act of 1995.~~

3 ~~I.~~ No state official, other than members of the Corporation  
4 Commission and the Department of Public Safety, shall have any  
5 power, right, or authority to command, order, or direct any  
6 enforcement officer to perform any duty or service authorized by  
7 ~~Sections 161 through 180m of this title, U.S. 49 CFR,~~ or the Motor  
8 Carrier Act of 1995.

9 ~~J.~~ Each of the enforcement officers shall, before entering upon  
10 the discharge of their duties, take and subscribe to the usual oath  
11 of office and shall execute to the State of Oklahoma a bond in the  
12 sum of ~~Twenty-five Thousand Dollars (\$25,000.00)~~ each, with  
13 sufficient surety for the faithful performance of their duty. The  
14 bond shall be approved and filed as provided by law.

15 ~~K.~~ I. No motor carrier enforcement officer or employee of the  
16 Oklahoma Corporation Commission shall have the right to plea bargain  
17 in motor carrier or motor transportation matters except the chief  
18 legal counsel of the Commission or an assign of the legal staff of  
19 the chief legal counsel.

20 SECTION 2. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1204 of Title 47, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. There is hereby created within the Transportation Division  
24 of the Corporation Commission the Port-of-Entry Officer Unit which

1 shall consist of such employees the Commission deems necessary to  
2 carry out the provisions of this act.

3 B. The officers of the unit shall be stationed at all port-of-  
4 entry weigh stations, as defined by Section 1201 of Title 47 of the  
5 Oklahoma Statutes, and have the authority, responsibilities, powers  
6 and duties to enforce the provisions of Sections 161A through 180m  
7 of this title or the Motor Carrier Act of 1995.

8 C. All port-of-entry officers shall at all times while on duty  
9 be required to be dressed in a distinctive uniform and display a  
10 badge of office, both of which shall be completely different and  
11 distinguishable from those of the Oklahoma Highway Patrol and other  
12 motor carrier enforcement officers within the Corporation  
13 Commission. All such badges shall be furnished by the Commission,  
14 and each badge shall display a distinctive serial number. The type  
15 and detail of the uniforms shall be designated by the Commission,  
16 and the Commission shall furnish the uniforms and replace them when  
17 necessary.

18 D. The Corporation Commission is authorized to purchase and  
19 maintain necessary equipment and supplies and shall provide proper  
20 training necessary for the enforcement of the provisions of this  
21 section. The Commission is also authorized to promulgate rules to  
22 carry out the provisions of this act. However, the Commission shall  
23 not adopt any administrative rules that duplicate U.S. 49 CFR.

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1 SECTION 3. This act shall become effective November 1, 2015.

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